

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

HILL WALLACK LLP

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Mortgage Servicing*

In Re:

Chris R Weber

Danielle L. Ruediger-Weber

Debtors.

Case No.: 18-33814-JNP

Chapter 13

Hearing Date: June 5, 2019

Judge: Jerrold N. Poslusny Jr., U.S.B.J.

**OBJECTION OF SHELLPOINT MORTGAGE SERVICES, LLC TO THE
CONFIRMATION OF THE DEBTORS' CHAPTER 13 PLAN**

Hill Wallack LLP, attorneys for the secured creditor, NewRez LLC d/b/a Shellpoint Mortgage Servicing ("Shellpoint") hereby objects to the confirmation of the Debtor's Chapter 13 Plan for the following reasons:

1. Shellpoint is a secured creditor of the debtors, Chris R Weber and Danielle L. Ruediger-Weber (the "Debtors") with respect to real property commonly known as 423 Silver Hill Road, Cherry Hill, New Jersey 08002 (the "Property").
2. The Debtors are in default under the subject Note and Mortgage by having failed to make the payment due on September 1, 2016.
3. Debtor(s) Chapter 13 Plan proposes to pay Secured Creditor \$52,619.00 in pre-petition arrears. However, Secured Creditor's is owed arrears of \$81,335.28. A copy of the filed Proof of Claim is attached hereto as Exhibit "A". This difference spread over the debtor's 60-

month plan would require the debtor to pay an additional \$478.61 per month. Debtor's schedule "J" shows disposable income of \$1,235.33. Debtor's plan already proposes to pay \$1,100.00 per month to cure debtor's estimate of arrears. Copies of the Debtor's schedules I and J are attached hereto as Exhibit "B".

4. The Debtors are unable to otherwise propose a feasible Plan.

5. The Debtors should not be permitted to further delay Shellpoint from proceeding with its rights and remedies, especially in light of the fact that the Debtors are over two (2) years in default, and the arrears owed to Shellpoint as of the Petition Date total nearly \$81,335.28.

6. As a result of the foregoing, the Debtors' Chapter 13 Plan is not confirmable as the Plan fails to provide for the claim of Shellpoint, the proposed loan modification is entirely speculative at best, and a Chapter 13 Plan is not otherwise feasible. As such, Shellpoint objects to the confirmation of the Debtors' Chapter 13 Plan.

For the foregoing reasons, Shellpoint respectfully suggests that the Debtor cannot confirm his Chapter 13 Plan as proposed, and that the case should be converted or dismissed.

Respectfully submitted,
HILL WALLACK LLP
*Attorneys for NewRez LLC d/b/a
Shellpoint Mortgage Servicing*

/s/ Elizabeth K. Holdren
Elizabeth K. Holdren

Dated: April 25, 2019